

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL BRENT KOVACH,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No.
MID SOUTH HOME CARE SERVICES, INC.)	
)	1:06-cv-159-MEF
)	
Defendant.)	

PLAINTIFF'S RESPONSES TO COURT'S NOVEMBER 29, 2006 ORDER

Comes now the Plaintiff, **Michael Brent Kovach**, and responds to this Court's Order entered on November 19, 2006 requiring the plaintiff's counsel to respond as to why they should not be sanctioned pursuant to FRCP 16(f) for failure to comply with the Uniform Scheduling order:

1. In October 2006, the parties began discussing the possibility of settling this case, and they reached a settlement agreement in late October 2006.
2. The parties did not have their face-to-face settlement conference on November 14, 2006, because the parties had already had numerous telephone conferences which resulted in the settlement of this case.
3. The defendant had sent a final negotiated release to the plaintiff around November 7, 2006. Due to unexpected delays related the plaintiff being out of town on his new job, the plaintiff was not able to sign the release until November 15, 2006.
4. On November 21, 2006, the plaintiff was supposed to file a "Notice Concerning Settlement Conference and Mediation."

5. The plaintiff did not file this notice because the plaintiff assumed the defendant had already filed a Joint Stipulation of Dismissal on this case.
6. The plaintiff apologizes for any inconvenience this has caused this Court.

Respectfully submitted,

s/Jon C. Goldfarb
Jon C. Goldfarb
Maury S. Weiner
Counsel for Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been properly served via US Mail, postage prepaid and properly addressed to the following counsel of record:

William C. Carn, III
Lee & McInish, P.C.
238 West Main Street
Post Office Box 1665
Dothan, Alabama 36302
Telephone No.: (334) 792-4156

on this the 4th day of December, 2006.

s/Jon C. Goldfarb
OF COUNSEL